Date March 17, 1981 To HKK

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Subject BARCLAY ARTICLE

Our File 582-987 From GJB

Barclay is covered by BAT's U.S. case Serial No. 029,230 filed 4/11/79. We have translations of the counterpart French and West German cases. Simply, the U.S. case discloses and claims, inter alia, a by-pass dilution filter type cigarette characterized by ventilation grooves formed in the surface of the cellulose acetate filter which with the air impervious tipping paper (commercial form) define the ventilation passages, access to which is by perforation in the tipping paper. The plug wrap used on the filter body is air-impervious and is deformed along with the filter mass when grooves are formed therein. The BAT application teaches that grooving can be effected by "hot-molding".

OK PM's patent 3,490,461 teaches all of the features claimed by BAT particularly as related to by-pass ventilation. However it uses a formed tubular mouthpiece as a groove defining structure although it should be noted that such mouthpiece is air-impervious and fully the equivalent of a CA body wrapped in air-impervious plug wrap for the functional purpose under consideration, i.e., to effect by-pass dilution.

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BAT's Barclay has blind grooves which open at the mouth end. Labbe et al 3,773,883 teaches forming grooves in CA body. There is no plug-wrap on the body as the grooves are being formed so that it too would be grooved. However, this patent is important in showing that CA filter plug material readily is susceptible to formation with surface grooves therein.

OK Berger 4,022,221 also shows grooving the surface of a CA plug.

OK Kiefer et al 3,768,489 also shows forming notches on grooves in a CA plug by "heat" molding.

Luke 4,135,523 teaches in the portion bridging Cols. 2 and 3 the heat forming of grooves as actually effected in making Barclay. Note it talks here of surface sealing of the groove formations, i.e., to give them an air-impervious character. I expect that a Luke foreign counterpart is clearly available more than one year before the Barclay article U.S. filing date.

OK Lebet 4,164,438 teaches forming a groove in the surface of a porous plug wrap-wrapped CA plug.

OK Harlee et al 3,752,165 at Col. 5, lines 27-55 teaches hot molding a wrapped CA plug to deform it and the wrapper to a desired configuration of the surface, i.e., a groove like cavity.

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I believe that BAT's U.S. application is directed to subject matter that is obvious in all its features. PM's 3,490,461 when taken together with at least Luke 4,135,523; Lebet 4,164,438 and Harlee et al 3,752,165 teach that a CA plug, grooves at the surface and which groove is itself air-impervious to prevent inflow to the filter mass could be substituted in a cigarette construction of the type disclosed in the '461 patent to produce the same results of by-pass dilution air flow to the smoker's mouth.

GJB:ts

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